

AMENDED IN SENATE JUNE 19, 2014

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1118**

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**Introduced by Assembly Member Hagman**  
**(Coauthor: Assembly Member Skinner)**  
(Coauthor: Senator Nielsen)

February 22, 2013

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An act to add Section 1269d to the Penal Code, relating to bail.

LEGISLATIVE COUNSEL'S DIGEST

AB 1118, as amended, Hagman. Statewide bail schedule.

Existing law provides that it is the duty of the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide bail schedule for all bailable felony offenses and for all misdemeanor and infraction offenses, except Vehicle Code infractions. Under existing law, a court may adopt a local rule prescribing the procedure by which the uniform countywide schedule is prepared, adopted, and annually revised by the judges. Existing law requires that, if the court does not adopt a local rule, the uniform countywide bail schedule be prepared, adopted, and annually revised by a majority of the judges.

This bill would require the Judicial Council to prepare, adopt, and annually revise a statewide bail schedule for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1269d is added to the Penal Code, to  
2     read:  
3     1269d. (a) In addition to preparing the penalty schedule for  
4     infraction violations of the Vehicle Code pursuant to Section  
5     40310, it is the duty of the Judicial Council, on or before January  
6     1, 2015, to prepare, adopt, and annually revise a statewide bail  
7     schedule for all bailable felony offenses and for all misdemeanor  
8     and infraction offenses except Vehicle Code infractions.  
9     (1) The Judicial Council shall appoint a group of judges, deemed  
10    by the council sufficient to adequately represent counties varying  
11    in size from throughout the state, to develop and approve the  
12    statewide bail schedule.  
13    (2) In preparing, adopting, and annually revising the statewide  
14    bail schedule, the Judicial Council shall consult with the following  
15    representatives:  
16    (A) A representative appointed by the California District  
17    Attorneys Association.  
18    (B) A representative appointed by the California Public  
19    Defenders Association.  
20    (C) A representative appointed by the California Attorneys for  
21    Criminal Justice.  
22    (D) A representative appointed by the California State Sheriffs'  
23    Association.  
24    (3) In preparing, adopting, and annually revising the statewide  
25    bail schedule, the Judicial Council shall receive and consider input  
26    regarding the statewide bail schedule from interested parties other  
27    than those specified in paragraph (2).  
28    (b) (1) In adopting the statewide bail schedule for all bailable  
29    felony ~~offenses~~ offenses, the Judicial Council shall consider the  
30    seriousness of the offense charged. In considering the seriousness  
31    of the offense charged the Judicial Council shall assign an  
32    additional amount of required bail for each aggravating or  
33    enhancing factor chargeable in the complaint, including, but not  
34    limited to, additional bail for charges alleging facts that would  
35    bring a person within any of the following sections: Section 667.5,

1 667.51, 667.6, 667.8, 667.85, 667.9, 667.10, 12022, 12022.1,  
2 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.6, 12022.7,  
3 12022.8, or 12022.9 of this code, or Section 11356.5, 11370.2, or  
4 11370.4 of the Health and Safety Code.

5 (2) In considering offenses in which a violation of Chapter 6  
6 (commencing with Section 11350) of Division 10 of the Health  
7 and Safety Code is alleged, the Judicial Council shall assign an  
8 additional amount of required bail for offenses involving large  
9 quantities of controlled substances.

10 (3) *In adopting the statewide bail schedule for all bailable*  
11 *offenses, the Judicial Council shall do all of the following:*

12 (A) *Except as provided in subparagraph (B), if a person is*  
13 *booked for or charged with two or more offenses, require bail to*  
14 *be the amount computed under the bail schedule for the charge*  
15 *having the highest amount of bail, including applicable amounts*  
16 *for enhancements and prior convictions.*

17 (B) *If a person is booked for or charged with two or more*  
18 *offenses and one of the circumstances specified in clause (i) or (ii)*  
19 *is present, require bail to be the sum of the amounts listed for each*  
20 *offense, including applicable amounts for enhancements and prior*  
21 *convictions.*

22 (i) *The offenses were alleged to be committed against separate*  
23 *victims or on separate dates.*

24 (ii) *Separate sex acts were alleged to be committed on the same*  
25 *victim and each may be punished separately, including pursuant*  
26 *to subdivision (c) or (d) of Section 667.6.*

27 (C) *When determining the amount of bail pursuant to*  
28 *subparagraph (A) or (B), require both of the following:*

29 (i) *That amounts for applicable enhancements be added only*  
30 *one time per person.*

31 (ii) *That amounts for prior convictions, if applicable, be added*  
32 *only one time per prior case.*

33 (c) The statewide bail schedule shall contain a list of the offenses  
34 and the amounts of bail applicable for each as the Judicial Council  
35 determines to be appropriate. If the schedule does not list all  
36 offenses specifically, it shall contain a general clause for designated  
37 amounts of bail as the Judicial Council determines to be appropriate  
38 for all the offenses not specifically listed in the schedule.

- 1 (d) The Judicial Council shall adopt California Rules of Court
- 2 consistent with this section.

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